THE HONOURABLE SHRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 21295 OF 2007

Dated 30th November, 2007

Between:

Karan Singh

…Petitioner.

And

The Station House Officer,
Charminar Police Station, Hyderabad
and another.

…Respondents.

ORAL ORDER:

In this writ petition, the petitioner seeks a declaration that the action of the first respondent – Station House Officer, in not registering the case against 2nd respondent is illegal and arbitrary.

On 20.8.2007, the petitioner lodged a complaint to the Station House Officer, Charminar Police Station. In the complaint, it is, inter alia, stated that he went to the second respondent who is a Gold Bullioner to sell 70 grams of gold. It is his complaint that though he passed on the said gold to the second respondent, the petitioner was not paid money and he was asked to come on the next day. It is stated that even though the petitioner approached the second respondent on the next day, he was not paid money and was cheated.

It is the grievance of the petitioner that in spite of such a complaint, no cognizance has been taken.

In the counter affidavit filed by the Inspector of Police, it is stated that preliminary investigation was done on the complaint of the petitioner and there was no proof of passing on of gold to the second respondent by the petitioner and it is further stated that the dispute is of civil in nature.

In view of the stand taken in the counter affidavit, it cannot be said that the respondents have not registered a case on the complaint filed by the petitioner, as preliminary investigation was done and having found that it is of civil in nature, no action was taken. In such an event, while it is open for the petitioner to seek further remedies available under Cr.P.C. including remedy under

Section 200, it cannot be said that no action has been taken by the respondents.

The writ petition is devoid of merit and is dismissed accordingly. No costs.

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30-11-2007 **R.SUBHASH REDDY, J.**

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